

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 11-559 JC/LAM
CR 09-209 JC**

JOSE RAUL PELAEZ-DE LA O,

Defendant/Movant.

ORDER

THIS MATTER is before the Court on the *Government's Motion for Extension of Time to File Response to Defendant's Motion to Vacate, Set Aside or Correct Sentence Pursuant to Title 28 U.S.C. § 2255* (CR Doc. 38). On June 29, 2011, the Court entered an order for the United States to file its response to Defendant/Movant's Section 2255 motion by July 22, 2011. (CV Doc. 2; CR Doc. 37). In its motion, the United States asks the Court extend its deadline to file a response to Defendant/Movant's Section 2255 motion by thirty (30) days, stating that the United States has requested the criminal file for this case from the archives in Denver, Colorado, and that counsel for the United States will be leaving the country and his cases will be reassigned. Having considered the motion, record of this case, and relevant law, the Court **FINDS** that the motion is well-taken and shall be **GRANTED**.

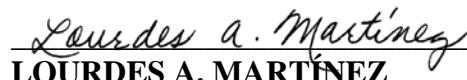
The Court notes that counsel for the United States filed this motion in the criminal case only, despite listing both case numbers in the caption, and that counsel for Defendant/Movant filed his Section 2255 motion in the criminal case, but did not follow the procedure to open a civil case. The parties should be aware that **all documents filed in Section 2255 cases must be filed in both the**

civil and criminal cases. The undersigned is assigned to the civil case only, so she may not receive timely notice of any documents filed only in the criminal case and not in the civil case.

IT IS THEREFORE ORDERED that the *Government's Motion for Extension of Time to File Response to Defendant's Motion to Vacate, Set Aside or Correct Sentence Pursuant to Title 28 U.S.C. § 2255 (CR Doc. 38)* is **GRANTED**.

IT IS FURTHER ORDERED that the United States shall answer *Jose Raul Pelaez-De La O's Motion to Vacate Conviction Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 36)* by **Monday, August 22, 2011.**

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE